

# COUNTY OF YORK

## MEMORANDUM

**DATE:** June 14, 2004 (BOS Mtg. 7/13/04)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Amendments to Chapter 7.1, York County Code, Building Regulations

### **ISSUE**

In order to bring the County's Building Regulations into conformance with state code, to clarify and simplify the regulations, and to bring building permit fees more in line with associated expenditures, staff is proposing certain amendments to the County's building regulations. A summary of the proposed changes are included in this memorandum. In addition, the changes are noted with lined through and underlined sections in the attached copy of Chapter 7.1, York County Code, Building Regulations.

A draft of this memorandum and the proposed amendments were distributed to the Peninsula Home Builders Association (PHBA) for its review and comments. In addition, some of the proposed changes were discussed at a quarterly meeting with the PHBA. Their comments are included in the attached letter.

In addition to the attached Chapter 7.1, Building Regulations changes, the following attachments provide tabular comparisons and historical information with regard to building permit fees:

- Attachments 1 through 3 show fee comparisons with neighboring jurisdictions.
- Attachment 4 provides historical data comparing revenue versus expenditures in Building Regulations.
- Attachment 5 provides a 5-year comparison of building permits issued and inspections performed
- Attachment 6 provides a representative comparison of the fee changes proposed in Chapter 7.1, Building Regulations

### **CONSIDERATIONS**

- 1 The current building regulations were first adopted in 1974 and were last comprehensively amended in 1997.
- 2 The last increase in permit fees occurred in 1997, and since FY 2001 expenditures have exceeded revenues (attachment 4).
- 3 The significant changes to Chapter 7.1 are summarized as follows:

- a. **7.1-3(e):** This change is in accordance with the Uniform Statewide Building Code requiring localities to insert the condition for loads, conditions, and zones.
  - b. **7.1-8 (a, b, c, d, e, f, g, and h):** This propose change incorporates increases in permit fees. Section 110 of the USBC and §36-105 of the Code of Virginia state that fees may be levied by the local governing body in order to defray the cost of building code enforcements.
  - c. **7.1-9(a):** This proposed change reflects a revision in the Uniform Statewide Building Code requiring the permit applicant to provide proof of license or evidence of exemption from licensing requirements.
  - d. **7.1-9(b):** This change is in accordance with the Uniform Statewide Building Code and requires the established street grade and proposed structure finish grades be shown on the plat submitted with the building permit application.
  - e. **7.1-9(c):** This proposed change would require the contractor or owner to complete enough work to schedule an inspection within six months from the time that the permit is issued. If no inspection is requested and performed within a six-month time frame, the permit would expire, and the applicant would need to reapply for a new permit.
  - f. **7.1-9(d):** This proposed change would require that the permit applicant pay a plan review fee that would be applied towards the permit fee if the applicant has obtained the permit within 90 days from applying for the permit. If the applicant does not obtain the permit within that specified time, the fee would not be refunded nor applied to any further permits.
  - g. **7.1-9(e):** This proposed change is in accordance with the Uniform Statewide Building Code and adds the requirement of charging a re-inspection fee if the permittee has not posted the address of the building lot.
  - h. **7.1-10(b):** This proposed change clarifies that the County and the Federal Government are exempt from any fee payment.
- 7.1-12(b):** This proposed addition requires the lot owner or his agent, prior to receiving and as a condition of receiving a certificate of occupancy from the Building Code Official, a certification by a licensed surveyor that the final established lot elevations and grades are consistent with the approved development plan. The County has encountered a number of significant drainage problems introduced in new housing subdivisions when the home builders alter the final grades on the lots by either adding or removing fill and changing drainage patterns of the approved development plan.

- j. **7.1-12(c):** This proposed addition would require the owner or permit applicant to execute an agreement and post a bond or cash escrow acceptable to the Building Code Official before a temporary certificate of occupancy is issued. The surety is needed to insure that all requirements are completed prior to issuance of the Certificate of Occupancy such as certifications, non-critical site amenities, or establishment of landscaping have been submitted or performed.
- k. **7.1-16:** Proposed change deletes this section entirely. Currently, the County requires all state registered/licensed contractors who engage in home improvement and single- or multi-family dwelling construction in the County provide a \$10,000 bond. This bond requirement duplicates a state administered fund called the Contractor Transaction Recovery Fund. The funds for the Contractor Transaction Recovery Fund are collected from contractors initially applying for a license and from each licensed contractor when the minimum recovery fund goes below \$400,000. The Contractor Transaction Recovery Fund allows for a maximum claim of \$10,000.
- l. **7.1-17:** Currently soils reports are required for issuance of permits only for those areas in the County that are listed on soil maps. This proposed change would require that a soil test be provided for all areas of the County prior to issuance of a permit. A significant number of areas in the County have expansive soils as past soil reports have shown even though the soil maps did not indicate expansive soils.
- m. **7.1-18:** This proposed addition would require the permit holder to provide a dumpster or screened area to deposit construction debris and to empty the container or screened area on as-needed basis or remove construction debris on a daily basis to insure a safe and clean construction site.

## **RECOMMENDATION**

Approve changes to Chapter 7.1 of the County Code by adoption of proposed Ordinance No. 04-18.

Harris/3570:mw

### **Attachments:**

- Comparison of Building Permit Fees
- Typical Commercial Building Permit Fees
- Typical Residential Building Permit Fees
- Building Regulation Revenues vs. Expenditures
- Comparison of Permits Issued and Inspections Performed
- Typical Permit Fees - Proposed Versus Current
- Peninsula Housing & Builders Association Letter
- Proposed Ordinance O04-18

**COMPARISON OF BUILDING PERMIT FEES FOR  
YORK COUNTY AND SURROUNDING LOCALITIES**

<b>Locality</b>	<b>2000 Square Foot Residence</b>	<b>15,000 Square Foot Commercial Structure</b>	<b>\$150,000 Renovation Project</b>
York Current	\$185.00	\$1,305.00	\$780.00
York Proposed	\$225.00	\$1,425.00	\$1,110.00
Hampton	\$220.00	\$1,650.00	\$1,350.00
Newport News	\$287.29	\$2,934.73	\$671.55
James City County	\$220.00	\$1,650.00	\$1,500.00
Williamsburg	\$310.00	\$2,580.00	\$1,950.00
Gloucester	\$200.00	\$1,550.00	\$1,500.00
Poquoson	\$200.00	\$1,500.00	\$1,350.00

Does Not Include Plumbing, Electrical and Mechanical permit fees

**Attachment 2**

**Typical Commercial Building Permit Fees**

<b>Locality</b>	<b>15,000 Sq. Foot Structure</b>	<b>Plumbing</b>	<b>Electrical</b>	<b>Mechanical</b>	<b>Total Fees</b>
<b>York Current</b>	\$1,315.00	\$74.00	\$123.00	\$298.00	\$1,810.00
<b>York Proposed</b>	\$1,425.00	\$87.00	\$171.00	\$267.00	\$1,950.00
<b>Hampton</b>	\$1,650.00	\$40.00	\$115.00	\$210.00	\$2,015.00
<b>Newport News</b>	\$2,934.73	\$50.88	\$282.61	\$94.02	\$3,362.24
<b>James City County</b>	\$1,650.00	\$57.00	\$115.00	\$135.00	\$1,957.00
<b>Williamsburg</b>	\$2,580.00	\$316.00	\$335.00	440.00	\$3,671.00
<b>Gloucester</b>	\$1,550.00	\$50.00	\$85.00	\$230.00	\$1,915.00
<b>Poquoson</b>	\$1,500.00	\$49.00	\$110.00	\$210.00	\$1,869.00

Attachment 3

**Typical Residential Building Permit Fees**

Locality	2,000 Sq. Foot Residence	Plumbing	Electrical	Mechanical	Total Fees
<b>York Current</b>	\$185.00	\$57.00	\$57.00	\$57.00	\$356.00
<b>York Proposed</b>	\$225.00	\$87.00	\$87.00	\$87.00	\$486.00
<b>Hampton</b>	\$220.00	\$77.00	\$50.00	\$57.00	\$404.00
<b>Newport News</b>	\$287.29	\$111.96	\$101.75	\$50.88	\$551.88
<b>James City County</b>	\$220.00	\$99.00	\$50.00	\$50.00	\$419.00
<b>Williamsburg</b>	\$310.00	\$165.00	165.00	105.00	\$685.00
<b>Gloucester</b>	\$200.00	\$80.00	\$60.00	\$60.00	\$400.00
<b>Poquoson</b>	\$200.00	\$91.00	\$50.00	\$67.00	\$408.00

**Building Regulation**  
**Revenues vs. Expenditures**

	<b>FY 2003</b>	<b>FY 2002</b>	<b>FY 2001</b>	<b>FY 2000</b>	<b>FY 1999</b>
<b>Revenues</b>	\$ 614,613	\$ 524,382	\$ 473,979	\$ 641,633	\$ 510,347
<b>Expenditures</b>	\$ 656,645	\$ 645,094	\$ 558,019	\$ 471,674	\$ 476,549
<b>Difference</b>	- \$ 42,032	- \$ 102,712	- \$ 84,040	+ \$ 169,959	+ \$ 33,798

**Comparison of Permits Issued and Inspections Performed**

<b>Permits Issued</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>	<b>2000</b>	<b>1999</b>
<b>Building</b>	2543	1665	1519	1769	1980
<b>Plumbing, Electrical Mechanical</b>	5110	4197	3880	5110	4524
Inspections Performed					
<b>Building</b>	12373	10646	6938	6195	5220
Plumbing, Electrical, Mechanical	10391	9639	9637	11231	7993
<b>E&amp;S</b>	5323	4335	1300*	471	477

\* During Fiscal Year 2001 the E&S function was reorganized and full responsibility was transferred to the Building Regulation Division



**Typical Permit Fees - Proposed Versus Current**

<b>Building Permit</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
<u>Residential</u> 2,000 sq. feet	\$185.00	\$225.00
<u>Commercial</u> 5,000 sq. feet	\$445.00	\$485.00
50,000 sq. feet	\$ 4,315.00	\$ 4,715.00
<u>Alter / Renovation</u> \$7,500.00 job value	\$80.00	\$130.00
<b>Plumbing Permit</b>		
<u>Residential</u> (11 fixtures)	\$57.00	\$87.00
<u>Commercial</u> 50 room hotel	\$890.00	\$1,214.00
<b>Electrical Permit</b>		
<b>Residential</b> New 200 amp service	\$57.00	\$87.00
change of service 100 / 200 amps	\$45.00	\$60.00
<b>Commercial</b> New three phase 600 amps	\$191.00	\$255.00
change of service 400 amp / 800 amp	\$181.00	\$228.00
<b>Mechanical Permit</b>		
Residential	57.00	87.00
Commercial Two five ton units	126.00	174.00



**PENINSULA HOUSING & BUILDERS ASSOCIATION**

760 MCGUIRE PLACE, NEWPORT NEWS, VA 23601

(757) 595-1600 // (757) 595-8983 FAX

April 15, 2003

John Hudgins, Director  
Environmental and Development Services  
County of York  
P.O. Box 532  
Yorktown, VA 23690

Re: Amendments to Building Regulation's Code, Chapter 7.1

Dear Mr. Hudgins:

We have reviewed the proposal changes and are concerned that proposed Sec. 7.1 -12 (b) proposes both a burden and an unworkable solution.

We foresee problems such as:

- (1) Lack of clarity and specifications as to what the Surveyor is certifying.
- (2) Asking a licensed professional to accept responsibility and liability for an inspection function for which the County collects fees.
- (3) Last-minute occupancy difficulties during freezing or very wet weather when final grading is not possible.
- (4) Questions as to responsibility of the Surveyor in the event that the Owner or his agent subsequently alters grading during, for example, landscaping.
- (5) Burdensome delays and additional costs to new homeowners.

Clearly, a topographic survey will not address your issue or that part of the County which is low and flat.

Let us strongly recommend that this Sec. 7.1 -12 (b) be referred to the County's Stormwater Advisory Board for its recommendation prior to your taking this proposal to the Board of Supervisors.

Sincerely,  
Peninsula Housing & Builders Association

Willard W. Morris  
President

cc: Chairman, Board of Supervisors